



TOWN OF LOS GATOS
PLANNING COMMISSION MEETING
ACTION MINUTES
TOWN COUNCIL CHAMBERS
110 E. MAIN STREET
WEDNESDAY, January 12, 2005 -- 7:00 P.M.

Please refer to compact disk #01-12-05 to hear the entire proceedings of this meeting.

ROLL CALL:

Present: Phil Micciche, Chair; Michael Burke, Vice Chair; D. Michael Kane, Thomas O'Donnell, Lee Quintana, Joanne Talesfore and Morris Trevithick

Absent: None

Others: Assistant Community Development Director Randy Tsuda, Associate Planner Joel Paulson and Town Attorney Orry Korb

VERBAL COMMUNICATION

Ray Davis Comments on soccer field report to Town Council, park dedication fees and land use decision by the Development Review Committee rather than the Planning Commission.

APPROVAL OF MINUTES

December 8, 2004 - Motion by Commissioner O'Donnell and seconded by Commissioner Burke to approve meeting minutes. Approved 6-0 with Commissioner Kane abstaining as he was not a seated Commissioner for the December 8, 2004 meeting.

CONSENT CALENDAR - None

CONTINUED PUBLIC HEARING - None

NEW PUBLIC HEARINGS

ITEM 1 **402 More Avenue**
Conditional Use Permit U-04-0017

Requesting approval to install a wireless telecommunication facility on property zoned R-1:20. APN 407-04-003
PROPERTY OWNER: San Jose Water Company
APPLICANT: Velocitel

PUBLIC TESTIMONY by Howard Yee, Bruce Frederick and John Bourgeois.

MOTION: Motion by Commissioner Quintana to approve Conditional Use Permit U-04-0017 with changes in conditions. Chair Micciche calls for a consensus of Commissioners who will support the motion. Motion dies for lack of a second.

Motion by Commissioner O'Donnell and seconded by Commissioner Trevithick to approve Conditional Use Permit U-04-0017. The required findings were made and the application incorporated conditions as noted in Exhibit A of the report dated January 5, 2005, with the deletion of Conditions 3 and 4 as noted below:

- 3. EQUIPMENT: The proposed equipment must be placed in an underground vault.**
- 4. EQUIPMENT FENCE/LANDSCAPING: Equipment shall be surrounded by a 6' fence and landscaping to the satisfaction of the Community Development Director.**

Motion carried 6-1 with Commissioner Quintana dissenting and cited the application is inconsistent with the Standards for Telecommunications Facilities as noted below

Page 7 - Section B/Development Standards - #4 - Screening and Landscaping;
Page 8 & 9 - Section C/Design Standards - #5 - Equipment Shelters;
Page 15 - Section E/Conditional Use Permit - #1.f. - Approval and #3 - Town Council Authority.
Zoning Code Sec. 29.20.208 - Pre-existing and non-conforming structures and facilities.

Appeal rights recited by Mr. Korb.

ITEM 2 **Kensington Way**
Conditional Use Permit U-04-0013

Requesting approval to install a wireless telecommunication facility on property zoned R-1:8. APN 527-48-029
PROPERTY OWNER: PG&E
APPLICANT: Metro PCS

PUBLIC TESTIMONY by Jennifer Estes.

MOTION: Motion by Commissioner Quintana and seconded by Commissioner Talesfore to approve Conditional Use Permit U-04-0013. The required findings were made and the application incorporated conditions as noted in Exhibit A of the report dated January 5, 2005, with the added condition as follows:

- 13. LANDSCAPING: A landscaping plan illustrating the screening of the proposed bollards must be approved by the Community Development Department prior to the issuance of a building permit. The landscape screening of the proposed bollards shall consist of a minimum of 6 - 15 gallon Toyons.**

Motion carried 7-0.

Appeal rights recited by Mr. Korb.

CONTINUED OTHER BUSINESS - None

NEW OTHER BUSINESS

Sub-Committee Reports

General Plan Committee - Commissioner Burke reported on the committee's discussion of the final Commercial Design Guidelines and Standards before forwarding to Town Council, the definition of a minor commercial project and what triggers the updating of a Conditional Use Permit.

Report from Director of Community Development

Randy Tsuda reported on discussion/summary of issues from the Planning Commission retreat of December 1, 2004. Commissioners input included: 1) estimated times be provided for each item on an agenda/noted on the agenda; 2) revise the start times in policies and procedures of Commission meeting to reflect 7:00 p.m; 3) in Action Minutes note the reasons/comments from a commissioner as to why they cannot support a motion for approval; 4) quorum at field trip as it relates to the Brown Act; and, 5) when opening a hearing, Chair should call for any information from the Commissioners discovered through site visits, etc. not included in the documentation provided.

ADJOURNMENT

Chair Micciche adjourned the meeting at approximately 8:35 P.M.

TOWN OF LOS GATOS PLANNING COMMISSION
January 12, 2005

Phil Micciche, Chair

APPROVED AS TO FORM AND ATTEST:

Randy Tsuda
Assistant Director of Community
Development

Bud N. Lortz
Director of Community Development